

TOWN OF DEDHAM
ZONING BOARD OF APPEALS
26 BRYANT STREET, DEDHAM, MASSACHUSETTS 02026



ZONING BOARD MEMBERS

JAMES F. MCGRAIL, *CHAIRMAN*
J. GREGORY JACOBSEN, *VICE CHAIRMAN*
SCOTT M. STEEVES
E. PATRICK MAGUIRE
JASON L. MAMMONE, P.E.

JH RUMPP, ALTERNATE
JESSICA L. PORTER, ALTERNATE

STAFF

SUSAN WEBSTER, *ADMINISTRATIVE ASSISTANT*
swebster@dedham-ma.gov

PHONE 781-751-9242 • FAX 781-751-9225

CORRECTED AND TRUE DECISION

| | |
|--|--|
| Applicant: | Amalia and Dimitrios Grigoriadis |
| Project Address: | 251 Riverside Drive, Dedham, MA |
| Property Owner: | Amalia and Dimitrios Grigoriadis |
| Case #: | VAR-09-11-1434 and VAR-01-12-1472 |
| Zoning District | Single Residence B |
| Date of Application: | September 16, 2011 and January 16, 2012 |
| Date of Hearing: | October 26, 2011, November 16, 2011, December 7, 2011, and February 15, 2012 |
| Members Present and Voting: | James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, Jason L. Mammone, P.E., Jessica L. Porter |
| Applicant Representative: | Amalia Grigoriadis |
| Petition: | <ul style="list-style-type: none">• Side yard setback of 6.7 feet instead of the required ten (10) feet• Side yard setback of five (4) feet instead of the required ten (10) feet |
| Section of Zoning By-Law: | <i>Town of Dedham Zoning By-Law Section 4.1, Table of Dimensional Requirements</i> |
| Date of Filing with Town Clerk: | February 23, 2012 |

The Zoning Board of Appeals ("ZBA") of the Town of Dedham, Massachusetts, held public hearings on Wednesday, February 15, 2012, in the Town Office Building, 26 Bryant Street, Dedham, MA. Present were members of the ZBA, James F. McGrail, Esq., Chairman, J. Gregory Jacobsen, Vice Chairman, Scott M. Steeves, and Jason L. Mammone, P.E. In the absence of Member E. Patrick Maguire, the Chairman appointed Associate Jessica L. Porter to sit in his place. The hearings were duly advertised for this meeting of the ZBA in accordance with the requirements of MGL Chapter 40A, Section 11.

At 7:15 p.m., the Chairman called for the hearing on the appeal of Amalia and Dimitrios Grigoriadis, 251 Riverside Drive, Dedham, MA. The Applicant seeks to be allowed a four (4) foot side yard setback instead of the required ten (10) feet to construct a roof over stairs to prevent rain from entering her house and her foundation. She had previously petitioned for a side yard setback of 6.7 feet instead of the required ten (10) feet to construct a roof over her back stairs, and was granted the variance on October

26, 2011. That decision is incorporated into this one. The following materials were submitted to the Board:

- Zoning Board of Appeals application, request for abutters list, and authorization form for publication in *The Dedham Times*
- Site plan prepared by Pilling Engineering dated April 26, 1971
- Letter of support from Paula and Kerry Fallon, 253 Riverside Drive, Dedham, MA
- Drawing of the proposed stairs and roof indicating the size and location of the roof and stairs.

The page-and-a-quarter minutes from the October 26, 2011 hearing and the page-and-a-quarter minutes from the February 15, 2012, hearing are the primary source of evidence and are incorporated herein by reference.

The ZBA reviewed the drawing of the proposed stairs on both sides of the house, and determined that both were sufficient to make an informed decision.

On October 26, 2011, on a motion made by James F. McGrail, Esq. and seconded by Scott M. Steeves, the Zoning Board of Appeals voted unanimously (5-0) to grant a side yard variance of 6.7 feet instead of the required ten (10) feet for the roof and stairs at the backyard door.

On February 15, 2012, on a motion made by J. Gregory Jacobsen and seconded by Scott M. Steeves, the Zoning Board of Appeals voted unanimously (5-0) to grant a side yard variance of four (4) feet instead of the required ten (10) feet for the roof and stairs for the front door. The Board was of the opinion that the Applicant meets the requirements of MGL Chapter 40A, Section 10, specifically that the Applicant would incur a hardship if the variance was not granted. There is no detriment to the public good or derogation in the intent of purpose of the bylaw. In granting of said special permits, the ZBA finds that, after consideration of the criteria Dedham Zoning By-Law, the adverse effects of the Applicant's proposal will not outweigh its beneficial impacts on the Town and neighborhood and will not be substantially more detrimental to the neighborhood.

The Applicant is advised that, in accordance with MGL Chapter 40A, Section 11, a copy of this decision bearing the certification of the Dedham Town Clerk that twenty (20) days have elapsed after the decision has been filed with the Dedham Town Clerk and no appeal has been filed or that has been filed within such time shall be recorded in the Norfolk County Registry of Deeds or the Land Registration Office of Norfolk County. Applicant is further advised that no waivers/variance will be issued by the Building Department until evidence is presented that this decision has been recorded in the Norfolk County Registry of Deeds. The Applicant should furnish the Zoning Board of Appeals with a receipt from the Registry of Deeds indicating that the decision has been filed.

Dated: February 23, 2012

James F. McGrail, Esq.

J. Gregory Jacobsen

Scott M. Steeves

Jason L. Mammone, P.E.

Jessica L. Porter